THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9150 of 2007

27.4.2007

Between:

P.Ramachandra, S/o.Subbarayudu

… Petitioner

AND

The Government of Andhra Pradesh, through its Principal Secretary, Revenue (Endowments) Department, Secretariat, Hyderabad

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9150 of 2007

ORDER:

The 9th respondent, namely, The Swayambhu Sri Varasiddhi Vinayaka Swamy Temple (the Temple, for brevity) conducted auction to grant licence for maintaining the vehicle-parking and for collection of parking fee for the period from 01.4.2007 to 31.3.2008. Auction was held on 05.2.2007. Petitioner became highest bidder quoting Rs.29.01,000/- and paid half of the amount. Therefore, the petitioner was informed by the Temple that he is entitled to collect parking fee from 01.4.2007 to 31.3.2008 from the owners of the vehicles and that the orders are being issued in accordance with the orders of the Commissioner of Endowments. Aggrieved by the said order, present writ petition is filed. Petitioner prays for a writ of Mandamus declaring the inaction of the respondents in taking appropriate steps for implements of the orders of the Executive Officer in Rc.No.A1/393/2007, dated 01.4.2007, as violative of Article 16 of Constitution of India.

It is the case of the petitioner that due to the parking place earmarked by 7th respondent, who also conducted auction, there are rival claims with regard to parking place coming to the temple and that the Gram Panchayat members and their henchmen are preventing vehicles from coming to the parking place of the temple. On 01.4.2007, the members of the Gram Panchayat attacked the petitioner and his men and tried to prevent the vehicle parking in the place. When a complaint was given, P.S. Irala registered crime No.33 of 2007. In spite of all this, 9th respondent did not take any action to implement the orders of the Executive Officer and, therefore, the present writ petition is filed.

The lengthy affidavit accompanying the writ petition does not

even whisper the cause of action for filing the writ petition. Secondly, even according to the affidavit by the time auction was conducted by 9th respondent on 05.2.2007, there was litigation between the Gram Panchayat and the Temple in this Court in which it was ultimately held that the parking place belonging to the Temple is not the property of the Gram Panchayat. Therefore, the petitioner was very much aware of this litigation and as a business proposition, when members of the Gram Panchayat are interfering, he has to take necessary steps to enjoy the licence. The jurisdiction under Article 226 of Constitution of India is not meant to enforce licencee for collecting parking fee.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

April 27, 2007.
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